

**ASHLEY LAKE LAND USE ADVISORY COMMITTEE  
BY-LAWS**

**ARTICLE 1**  
Authorization

1. The Flathead County Board of County Commissioners (Commission) adopted the Ashley Lake Neighborhood Plan on December 8, 1997; Resolution No. 1301A.

**ARTICLE 2**  
Statement of Purpose

1. The Ashley Lake Land Use Advisory Committee (Committee) shall serve as a liaison between Ashley Lake residents and county offices addressing land use and development and provide recommendations on proposals within the Ashley Lake land use area. The Ashley Lake land use area, also referred to as Ashley Lake, shall mean the geographic area defined in the Ashley Lake Neighborhood Plan.
2. The Committee shall also act in their capacity to periodically review and recommend revisions to the Ashley Lake Neighborhood Plan.

**ARTICLE 3**  
Duties and Responsibilities

1. The Committee shall have the duty and responsibility to:
  - A. Review and give recommendations on various Ashley Lake applications being processed by the Planning and Zoning Office. Recommendations shall be based on assessing the proposals' compliance with the Ashley Lake Neighborhood Plan and other applicable County and State regulations. The Committee shall be governed by the provisions of all applicable statutes, local laws, ordinances, resolutions and particularly the Ashley Lake Neighborhood Plan.
  - B. Advise Flathead County (e.g. Planning Board, Board of Adjustment, and Commission), as appropriate, on all planning, zoning and subdivision applications related to property within Ashley Lake.
  - C. Solicit and encourage input from the Ashley Lake residents, as well as adjoining landowners, as scales of projects warrant.
  - D. Forward written recommendations to the Planning and Zoning Office in a timely fashion on all reviewed projects as well as other projects affecting Ashley Lake.

- E. Process and forward reported violations of regulations associated with the Ashley Lake Neighborhood Plan to the proper authorities such as the Planning and Zoning Office and/or the Commission.
- F. Communicate with the residents of Ashley Lake through printed media, neighborhood meetings, and any other means deemed necessary or desirable in order to obtain the opinions, comments, and suggestions regarding issues which are of concern to Ashley Lake.
- G. Attend meetings of the Commission and other county boards and any other meetings where issues of importance to Ashley Lake will be discussed. Attendance may be by the entire Committee or by a designated representative.
- H. Every five years, or sooner if necessary, initiate the process needed to update and modify the Ashley Lake Neighborhood Plan in consultation with Ashley Lake landowners and planning officials.
- I. Keep a record of all acts and meetings for the operation of the Committee. Minutes of meetings are to be given to Committee members and emailed to the Planning and Zoning Office at [planningweb@flathead.mt.gov](mailto:planningweb@flathead.mt.gov). The committee will store committee correspondence at the Planning and Zoning Office.

#### **ARTICLE 4**

##### Terms and Appointments

- 1. Number and Qualifications:
  - A. There shall be seven (7) Committee members who are landowners and/or residents living in the land use area of Ashley Lake. One will be a corporate timber/agricultural owner, 4 lake-front owners and 2 off-lake owners.
  - B. Special committees may be appointed by the Committee for purposes and terms which the Committee approves. These special committees shall report all analyses, findings and recommendations to the Committee for consideration. The Committee is responsible for forwarding all recommendations to the Planning and Zoning Office and/or Commission.
  - C. No member of the Committee or special committee members appointed by them may serve on the Planning Board or Board of Adjustment unless requested to do so as an ad hoc position requested by the Commission.
- 2. Selection and Term:
  - A. The seven (7) Committee members shall be appointed by the Commission, and shall serve overlapping terms of four years.. Members may be re-appointed to successive terms.

- B. Terms shall run with the calendar year beginning January 1 and expiring December 31.
  - C. Service on the Committee shall be voluntary. There shall be no financial remuneration for services.
  - D. When a Committee vacancy occurs, the remaining committee members may suggest and forward to the Commission the names of a replacement to fill the remaining term.
3. Resignation and Termination:
- A. The Committee shall notify the Commission of any member who misses three (3) consecutive meetings with unexcused absences or who has a total of five (5) unexcused absences in a calendar year, as evidenced by the approved meeting minutes, and may recommend dismissal. Members must request an excused absence prior to the scheduled start time of the meeting. The presiding officer at the meeting shall report any excused absences to the Committee and they must be reflected in the meeting minutes.
  - B. Resignations from the Committee must be in writing and shall be submitted to the secretary with as much notice as practical. Any member who is unable to continue participation may be recommended to be removed from the Committee by a majority vote of the remaining members.
  - C. Any member who violates the by-laws of the Committee or engages in any activity deleterious to the Committee may be recommended for removal by a majority vote of the members.
  - D. Upon recommendation of removal of any member for the reasons set forth in A, B, or C above, the Commission may, at the request of the Committee, remove that member and appoint a replacement to serve the remaining term of the dismissed member.

## ARTICLE 5

### Officers and Duties

1. Officers
- A. **Chairman:** The chairman shall be elected for a two year term from within the Committee by the members. The chairman will preside over all meetings (but may appoint a "meeting facilitator"), call special meetings from time to time as needed, prepare meeting agendas and direct the work of the Committee and serve as a voting member.
  - B. **Vice Chairman:** The vice chairman shall be elected for a two year term from within the Committee by the members. The vice chairman shall act as chairman in the



chairman's absence and shall serve as a voting member. This position may be combined with the secretary's position by a majority vote of the members present at a regular or special meeting.

- C. **Secretary:** The secretary shall be elected for a two year term from within the committee, shall be responsible for maintenance of files, records and correspondence pertaining to the Committee business, shall take minutes of meetings and distribute them to committee members prior to the next scheduled meeting, post Committee agendas and shall forward Committee minutes to the Planning Office. The secretary shall act as chairman in the event the chairman and vice chairman are absent from a meeting and shall serve as a voting member.
- D. The terms of officers shall be for two years commencing at the first regular or special meeting after their election.
- E. The Committee may remove any officer, at any time, from his duties upon a majority vote of the members.

## ARTICLE 6

### Meetings

1. Regular meetings: The Committee shall meet on the last Thursday of each month at 6:00 P.M., at the Earl Bennett Building, 1<sup>st</sup> Avenue West, Kalispell, MT. The committee shall meet only as business dictates. Notices of meetings shall be posted by the secretary at least two days, but preferably five days, in advance to alert the public as to the agenda, location, time and place of the next meeting. All meetings shall be open to the public and will comply with the open meeting laws of Montana.
2. Special meetings: Special meetings of the Committee may be called by the chairman or by a quorum at any time provided that the Committee members and the public receive at least 48 hours notice. Public notice will be provided in the form of a notice placed on the community bulletin boards at the north and south ends of the lake and by public service announcement made to the local newspaper. Special meetings will comply with the open meeting laws of Montana.
3. Quorum: A quorum shall consist of a majority of the Committee (four (4) members). Participation by telephone conference is allowed to meet a quorum. No action of the Committee may be taken unless authorized by a quorum at a regular or special meeting.
4. Rule of order: Roberts Rules of Order shall apply in all meetings of the Committee, except as expressly stated herein or unless the context requires otherwise.

**ARTICLE 7**  
Code of Ethics

1. The holding of public office is a public trust, created by the confidence which the Commission reposes in the integrity of public officers and appointees. A Committee member shall carry out his/her duties for the people of Ashley Lake.
2. No committee member shall:
  - A. Disclose or use confidential information acquired in the course of his/her duties to further substantiate his/her personal economic interest;
  - B. Accept a gift of substantial value or a substantial economic benefit tantamount to a gift related to the carrying out of specific business of the committee;
3. Conflict of Interest: A member who may have a financial or personal interest in an item under consideration by the Committee shall declare that he/she may have a conflict of interest. In certain circumstances the Committee shall then decide whether such a conflict exists. If it is determined that such member has a conflict, he/she shall not vote or be part of the discussion of such item. Any disqualification shall be entered into the minutes of the meeting.
4. The attached "Principles for Civil Dialogue" shall apply to the Committee and all in attendance.

**ARTICLE 8**  
Order of Business

1. Unless otherwise determined by the chairman, the order of business shall be:
  - A. Call to order
  - B. Roll call
  - C. Recognition of excused absences
  - D. Approval of the minutes
  - E. Public comments (which may be limited if circumstances warrant limitation, to 3 minutes each or as determined by the Committee)
  - F. Communication received
  - G. Committee reports
  - H. Unfinished business
  - I. New business
  - J. Adjournment
2. The land use application review procedure shall include:
  - A. Present application (staff or someone to present it)
  - B. Applicant presentation
  - C. Open for public comment
  - D. Committee discussion

- E. Committee recommendation to approve, modify or deny goes to the Planning and Zoning Office to be included in the staff report. Any recommendation should be supported by "reasons why" so the county can better understand the rationale.

## **ARTICLE 9**

### Flathead County Assistance and Support

1. Legal assistance may be provided to the Committee by the County Attorney.
2. The Flathead County Planning and Zoning Office shall provide technical assistance and support to the Committee.

## **ARTICLE 10**

### Amendments

1. Amendments to the by-laws may be introduced by any Committee member at a regular or special meeting called for that purpose. All amendments proposed must be in writing and be approved by at least a majority of the members before being submitted to the Commission for consideration and adoption.

## **ARTICLE 11**

### Severability

1. If any provision of these by-laws or any section, sentence, clause, phrase or word or the application thereof in any circumstance shall be held contrary to law, such portion is severable from the remainder of these by-laws.

## **ARTICLE 12**

### Procedures

1. All Committee meetings shall be publicly noticed and open to the public.
2. Major land use applications are activities of such a scale that they require a public hearing before a public board such as the Planning Board, Board of Adjustment or Commission. Typical activities include major subdivisions, conditional uses, and amendments to the Ashley Lake Neighborhood Plan and changes to the County's land use regulations.
  - A. The Planning and Zoning Office shall attempt to send a copy of the application and all pertinent information to each member at least two weeks prior to the Committee meeting. The packet shall note the time frame for the Committee's response and provide a list of the names and addresses of the adjoining property owners who have been notified.
  - B. The Planning and Zoning Office shall notify all adjoining property owners within 150 feet or as local regulations require and shall note in the notice the time and place of



the next Committee meeting. In addition, where possible, the Planning and Zoning Office may reference the Committee meeting in the legal notice placed in the official county newspaper, and public service announcements will be sent to local media.

- C. In addition to the notices sent out by the Planning and Zoning Office, the Committee may place written notice at convenient places throughout the region or within the immediate vicinity of the property in question as deemed appropriate or necessary by the Committee.
  - D. When possible, the Committee members shall conduct a site review of the property in question.
  - E. Based on the site review and input received at the Committee meeting, the Committee shall forward a recommendation, approved by a majority of members. This recommendation shall go to the appropriate County board and be included in the public record.
  - F. The recommendation shall be forwarded in writing within the time frame established by FCPZ.
  - G. In the case of a conditional use permit, the Committee shall hold a public hearing. The Committee shall approve or deny an application based on the criteria enumerated in Section 2.06.080 of the Flathead County Zoning Ordinance. Criteria include site suitability, appropriateness of design, availability of public services and immediate neighborhood impact. The Committee's action is final. However, any party aggrieved by the decision of the Committee may, within 30 days of the Committee's decision, appeal the action to the Flathead County Board of Adjustment who will hear the issue and make a decision concerning the appeal.
3. Minor Land Use Applications include those that ultimately require Commission-approval but do not necessitate a public hearing. Such activities would typically include minor subdivisions but would not include routine administrative permits such as lakeshore—construction permits, septic permits, etc.
- A. Immediately upon receiving an application at the FCPZ, a copy of the application and all pertinent information shall be forwarded to each of the Committee members. The packet shall note the time frame for the Committee's response and provide a list of the names and addresses of the adjoining property owners.
  - B. The Committee members should review the property in question.
  - C. If the scale of the project warrants, the Committee may solicit comments from adjoining property owners and/or hold a neighborhood meeting to air issues and receive input.
  - D. The Committee shall then either meet as a whole, or poll members on the phone, for

the purpose of forwarding a recommendation to the FCPZ within the time frame established by the FCPZ.

### ARTICLE 13

#### Adoption

The foregoing by-laws were adopted by the Committee on November, 19 2009.

\_\_\_\_\_, Chairman  
*Dale Lauman*  
\_\_\_\_\_, Vice Chairman/Secretary  
*Joe D. Brehnen*  
\_\_\_\_\_, Member  
*James Dupont*  
\_\_\_\_\_, Member  
*Paula Robinson*  
\_\_\_\_\_, Member  
*T. C.*  
\_\_\_\_\_, Member  
*Jim & Dupont*  
\_\_\_\_\_, Member

Approved by the Flathead Board of County Commissioners on

December 1, \_\_\_\_\_, 2009.

#### COMMISSIONERS

Flathead County, Montana

*Dale Lauman*  
\_\_\_\_\_  
Dale Lauman, Chairman

*Joe D. Brehnen*  
\_\_\_\_\_  
Joe D. Brehnen, Member

*James Dupont*  
\_\_\_\_\_  
James Dupont, Member

ATTEST:

Paula Robinson, Flathead County Clerk and Recorder

By *Diana Kile*  
\_\_\_\_\_  
Deputy

